

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

BLACK LOVE RESISTS IN THE RUST by and through its Co-Directors Natasha Soto and Shaketa Redden and on behalf of its members; DORETHEA FRANKLIN; TANQUA SIMMONS; DE'JON HALL; JOSEPH BONDS; CHARLES PALMER; SHIRLEY SARMIENTO; EBONY YELDON; and JANE DOE, individually and on behalf of a class of all others similarly situated;

Plaintiffs,

v.

Civil No.: 1:18-cv-00719-CCR

CITY OF BUFFALO, NY; BYRON B. BROWN, Mayor of the City of Buffalo, in his individual and official capacities; BYRON C. LOCKWOOD, Commissioner of the Buffalo Police Department, in his individual and official capacities; DANIEL DERENDA, former Commissioner of the Buffalo Police Department, in his individual capacity; AARON YOUNG, KEVIN BRINKWORTH, PHILIP SERAFINI, ROBBIN THOMAS, UNKNOWN SUPERVISORY PERSONNEL 1-10, UNKNOWN OFFICERS 1-20, each officers of the Buffalo Police Department, in their individual capacities.

Defendants.

**DECLARATION IN SUPPORT OF CITY
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

PETER A SAHASRABUDHE, subject to the penalties for perjury and under 28

U.S.C. § 1746, declares the following to be true and correct:

1. I am an attorney at law, duly licensed to practice in New York, and admitted to practice before the Courts for the Western District of New York. I am an attorney employed by Hodgson Russ LLP, the attorneys for Defendants in this action.

2. I submit this declaration in support of the City of Buffalo, former Mayor Byron B. Brown, Byron C. Lockwood, Daniel Derenda, Aaron Young, Kevin Brinkworth, Philip Serafini, and Robbin Thomas' (collectively "the City Defendants") Motion for Summary Judgment.

3. I am familiar with this action and the attached exhibits based on the fact that I am an attorney of record, have reviewed the case file, and have been involved in this matter for nearly three years.

4. The purpose of this declaration is to place before the Court relevant information, documentary, and testimonial evidence necessary for the Court's consideration of the City Defendants' Motion for Summary Judgment.

Pleadings

5. Attached as Exhibit 1 is a copy of Plaintiffs' original Complaint, Dkt. No. 1, dated June 28, 2018.

6. Attached as Exhibit 2 is a copy of the City Defendants' Answer to Plaintiffs' original Complaint, Dkt. No. 6, dated July 30, 2018.

7. Attached as Exhibit 3 is a copy of Plaintiffs' Amended and Supplemental Complaint, Dkt. No. 63, dated May 21, 2020.

8. Attached as Exhibit 4 is the City Defendants' Answer to Plaintiffs' Amended and Supplemental Complaint, Dkt. No. 64, dated June 4, 2020.

Discovery in this Case

9. Plaintiffs have demanded and received an exorbitant amount of discovery in this case.

10. Plaintiffs have taken the depositions of approximately 34 City witnesses. See Dkt. No. 160. These depositions included former Mayor Byron Brown, three former BPD Commissioners, and two former and one current Internal Affairs Department Inspectors.

11. Many of these depositions spanned multiple days.

12. Plaintiffs demanded 30(b)(6) testimony on 33 topics which several sub-parts.

13. Plaintiffs demanded and continue to demand thousands of traffic-stop related records spanning over a decade, including hundreds of files of body camera footage.

14. In sum, Plaintiffs have had more than enough opportunities to gather evidence to support their claims. They have failed to do so.

Testimonial Evidence

15. Attached as Exhibit 5 is the declaration of Buffalo Police Department ("BPD") Commissioner Alphonso Wright, dated February 6, 2025.

16. Attached as Exhibit 6 are excerpts of testimony given by former BPD Commissioner Joseph Gramaglia at a deposition on September 22, 2023.

17. Attached as Exhibit 7 are excerpts of testimony given by former BPD Commissioner Joseph Gramaglia at a 30(b)(6) deposition on January 24, 2024.

18. Attached as Exhibit 8 are excerpts of testimony given by BPD Captain Derrick Banaszak at a 30(b)(6) deposition on January 24, 2024.

19. Attached as Exhibit 9 are excerpts of testimony given by BPD Detective Richard Hy on July 19, 2023.

20. Attached as Exhibit 10 are excerpts from deposition testimony given by the former Mayor of the City of Buffalo, Byron Brown, on November 6, 2023.

21. Attached as Exhibit 11 are excerpts from deposition testimony given by former BPD Commissioner Daniel Derenda on November 10, 2021.

22. Attached as Exhibit 12 are excerpts from deposition testimony given by former BPD Commissioner Daniel Derenda on December 23, 2021.

23. Attached as Exhibit 13 are excerpts from deposition testimony given by former BPD Lieutenant Lance Russo on April 29, 2022.

24. Attached as Exhibit 14 are excerpts from deposition testimony given by former BPD Chief Kevin Brinkworth on March 16, 2022.

25. Attached as Exhibit 15 are excerpts from deposition testimony given by Officer Jared Domaracki on July 18, 2023.

26. Attached as Exhibit 16 are excerpts from deposition testimony given by Buffalo Police Department Detective Michael Acquino on September 5, 2023.

27. Attached as Exhibit 17 are excerpts from deposition testimony given by Lieutenant Buffalo Police Officer Joseph Fahey on December 19, 2019.

28. Attached as Exhibit 18 are excerpts from deposition testimony given by former Buffalo Police Department Commissioner Byron Lockwood on August 10, 2023.

29. Attached as Exhibit 19 are excerpts from deposition testimony given by former Buffalo Police Department Commissioner Byron Lockwood on August 17, 2023.

30. Attached as Exhibit 20 are excerpts from deposition testimony given by Lieutenant Buffalo Police Officer Charles Miller on November 8, 2023.

31. Attached as Exhibit 21 are excerpts from deposition testimony given by Buffalo Traffic Violations Agency Administrator Danielle Morgera on May 26, 2022.

32. Attached as Exhibit 22 are excerpts from deposition testimony given by Lieutenant Buffalo Police Officer Michael Quinn on April 1, 2022.

33. Attached as Exhibit 23 are excerpts from deposition testimony given by Former Buffalo Police Captain Philip Serafini on December 27, 2021.

34. Attached as Exhibit 24 are excerpts from deposition testimony given by Buffalo Police Officer Charles Skipper on March 5, 2021.

35. Attached as Exhibit 25 are excerpts from deposition testimony given by Buffalo Police Officer Robbin Thomas on March 23, 2023.

36. Attached as Exhibit 26 are excerpts from deposition testimony given by City Traffic Violations Prosecutor and Parking Commissioner Octavio Villegas on June 8, 2023.

37. Attached as Exhibit 27 are excerpts from deposition testimony given by former Lieutenant Buffalo Police Officer Thomas Whelan on April 26, 2022.

38. Attached as Exhibit 28 are excerpts from deposition testimony given by former Lieutenant Buffalo Police Officer David Wilcox on November 4, 2021.

39. Attached as Exhibit 29 are excerpts from deposition testimony given by Chief of Schools Aaron Young on October 26, 2022.

40. Attached as Exhibit 30 is the transcript of deposition testimony given by Plaintiff Ebony Yeldon on December 13, 2022.

41. Attached as Exhibit 31 is the transcript of deposition testimony given by Plaintiff Taniqua Simmons on May 16, 2023.

42. Attached as Exhibit 32 is the transcript of deposition testimony given by Plaintiff Shirley Sarmiento on December 13, 2022.

43. Attached as Exhibit 33 is the transcript of deposition testimony given by Plaintiff Shaketa Redden on September 6, 2023.

44. Attached as Exhibit 34 is the transcript of deposition testimony given by Plaintiff Charles Palmer on September 14, 2023.

45. Attached as Exhibit 35 is the transcript of deposition testimony given by Plaintiff De'Jon Hall on May 17, 2023.

46. Attached as Exhibit 36 is the transcript of deposition testimony given by Plaintiff Dorothea Franklin on May 15, 2023.

47. Attached as Exhibit 37 is the transcript of deposition testimony given by Plaintiff Jasmine Evans (Jane Doe) on December 15, 2022.

48. Attached as Exhibit 38 is the transcript of deposition testimony given by Plaintiff Joseph Bonds on December 15, 2022.

Documentary Evidence

49. Attached as Exhibit 39 is the BPD's Manual of Procedures.

50. Attached as Exhibit 40 is BPD General Order 2021-009.

51. Attached as Exhibit 41 is a BPD Roadblock Directive, dated November 21, 2013.

52. Attached as Exhibit 42 is a guide for individuals who wish to appeal a determination made by a BTVA judicial hearing officer.

53. Attached as Exhibit 43 is the expert report authored by the City Defendants' expert Dr. David Banks, Ph.D.

54. Based on the evidence submitted herewith, and based on the legal argument contained in the accompanying Memorandum of Law, the City Defendants respectfully request that the Court grant the City Defendants' Motion for Summary Judgment.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: Buffalo, New York
February 7, 2025

s/ Peter A. Sahasrabudhe

Peter A. Sahasrabudhe